

Docket No.: 0152-0702PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihiko KOTAKE et al.

Application No.: 10/522,731

Confirmation No.: 8755

Filed: January 28, 2005

Art Unit: 1625

For: NOVEL PHYSIOLOGICALLY ACTIVE
SUBSTANCES

Examiner: N. Rahmani

DECLARATION REGARDING DEPOSIT OF MICROORGANISMS

Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

We do hereby declare as follows:

We are authorized representatives of the Assignees of record in the above-identified U.S. Patent Application: Eisai Co., Ltd. of Tokyo, Japan, and Mercian Corporation of Tokyo, Japan.

Strains with the following international accession numbers have been deposited under the terms and conditions of the Budapest Treaty at the International Patent Organism Depository (IPOD), National Institute of Advanced Industrial Science and Technology in Central 6, 1-1-1 Higashi, Tsukuba-shi, Ibaraki 305-8566, Japan:

FERM BP-8442; FERM BP-8446; FERM BP-8447; and FERM BP-7812.

The depository affords permanence of the deposits and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the culture will be available during pendency of said patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122, and (b) that the above-mentioned cultures will be available to the public without restriction upon the granting of a patent. These deposits are also described in the above-identified application and are identified by deposit number, name and address of the depository in the specification of the above-identified application.


The undersigned hereby assure the permanent availability of said strains to the public through the above depository and in the event that any of the strains should become non-viable, mutate or inadvertently be destroyed, the undersigned will replace the strains at the above-mentioned depository. The undersigned further assures that all restrictions on the availability to the public of the above-mentioned cultures will be irrevocably removed upon the granting of a patent.

The above-mentioned deposits will be maintained (1) for thirty (30) years from the date of deposit, (2) for five (5) years after the last request for the deposit at the depository, or (3) for the enforceable life of any patent which issues from the above-identified application, whichever is longer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8. Feb. 2007

By Eisai Co., Ltd.



Nobuo Deguchi
Senior Vice-President

Date: _____

By _____

Name

Title of position